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Customer Number

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Case No.: 59076US009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: SELEN, PETER G.
Application No.: 10/596505 Confirmation No.: 7399
Filed: December 9, 2004
Title: CLOSURE TAPE TAB FOR AN ABSORBENT ARTICLE, PRELAMINATED
CLOSURE TAPE AND METHOD OF MANUFACTURING THE CLOSURE TAPE
TAB

RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

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September 2, 2009 /Jessica L. LeBoeuf/
Date Signed by: Jessica L. LeBoeuf

Dear Sir:

This is in response to the Office Action dated August 5, 2009. Claims 1-28 are pending.
Claims 1-28 were restricted under 35 USC § 121 as follows:

- I. Claims 1-9 and 19-20 are said to be drawn to a closure tape tab;
- II. Claims 10-18 are said to be drawn to a closure tape tab;
- III. Claims 21-23 are said to be drawn to a method of making a closure tape tab;
- IV. Claims 24-28 are said to be drawn to a method of making a closure tape tab.

Election

In response, Applicants elect Group II, claims 10-18, with traverse.

In view of the following remarks and amendment, three requests for reconsideration and withdrawal or modification of the restriction requirement are respectfully presented.

Applicants submit that in addition to a "closure tape tab comprising proximal end and distal end portions which are connected by an inner tab portion on which the first major surface

is provided with an anti-adhesive means", which is noted in the Restriction Requirement in Paragraph 2, Groups I, II, III, and IV also share the feature of the proximal and distal end portions of the closure tape tab being either separated or separable pieces each connected to a major surface of the inner tab portion. Ness does not teach or suggest this feature. Since Ness does not teach or suggest at least this technical feature, Groups I, II, III, and IV relate to a single inventive concept and define a contribution over Ness. Applicants' first request is therefore a finding of unity of invention for Groups I, II, III, and IV.

Applicants' second request is a reconsideration and withdrawal of the restriction at least between Groups II and IV, as amended. Groups II and IV both require that the proximal end portion is connected to said inner tab portion at said second major surface thereof such that said proximal end portion extends over at least a substantial portion of said inner tab portion, and said distal end portion is connected to said inner tab portion at said first major surface thereof such that at least a portion thereof remains exposed, wherein an anti-adhesive means is provided at least at a part of said exposed portion of the first major surface of the inner tab portion. Ness does not teach or suggest these features. Since Ness does not teach or suggest at least these technical features, Groups II and IV relate to a single inventive concept and define a contribution over Ness. Applicants request a finding of unity of invention for at least Groups II and IV.

Applicants' third request is a reconsideration and modification of the restriction requirement with regard to claims 19 and 20. Claim 19 is currently amended to depend from claim 10. Since amended claims 19 and 20 depend directly or indirectly from claim 10, inclusion of claims 19 and 20 in Group II is requested.